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OFFICE OF PETITIONS

In re Application of :  
Luciano Rabboni :  
Application No. 09/600,523 :  
Filed: September 11, 2000 :  
Attorney Docket No. P-3021.001LP :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 7, 2003, to revive the above-identified application.

The petition is **GRANTED**.

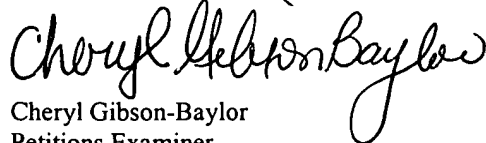
The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed June 18, 2002, which set a shortened statutory period for reply of three (3) months. A three(3) months extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 19, 2002.

Per a telephone communication on March 3, 2002, petitioner indicated to the undersigned that, while the Request for Continued Examination (RCE) filed January 7, 2003 included a Certificate of Mailing dated December 17, 2002, the RCE was filed simultaneously with the petition to review filed January 7, 2003, using a Certificate of Mailing under 37 CFR 1.8 dated January 2, 2003. Petitioner explains that the RCE was placed in US mail service on December 17, 2002, however, it was returned undelivered for lack of a complete address. Since it is now clear that the RCE was filed on January 7, 2003, not December 17, 2002, a petition to revive under 37 CFR 1.137(b) is required.

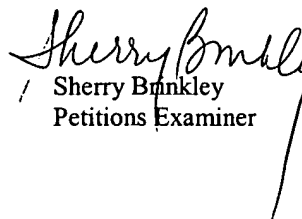
An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$920.00 extension of time submitted with the present petition on January 7, 2003 was subsequent to the maximum extendable period for reply, the extension of time filed with the instant petition is unnecessary and the fee will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 1700, Art Unit 1761 for processing the Request for Continued Examination under 37 CFR 1.114, filed on January 7, 2003.



Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

  
Sherry Brinkley  
Petitions Examiner